REMARKS

Entry of the foregoing and further and favorable consideration of the subject application in light of the following remarks is respectfully requested.

Applicants gratefully acknowledge the withdrawal of the previous rejections under 35 U.S.C. §§112 and 103.

Drawing Objections

Applicants submit herewith formal drawings addressing the alleged deficiencies noted on the PTO-948 dated November 1, 2005. Withdrawal of the objection to the drawings is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-9 and 12 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 5,941,863, hereinafter Guidotti *et al.* in view of U.S. Patent No. 4,394,930, hereinafter Korpman. The Examiner asserts that Guidotti *et al.* disclose all elements of the rejected claims except for the foam of the recited fragments being polyacrylate foam-based. However, the Examiner alleges that polyacrylate foams are well-known in the art to be advantageous due to ease of preparation and extremely high liquid absorption capacity.

Applicants draw to the Examiner's attention that one advantage of the presently claimed invention is delineated in paragraph [0009] of the subject application. Specifically, because at least most of the fragments are arranged with a distance to each other, the fragments can expand unhindered. Accordingly, the polyacrylate foam fragments can expand in three directions (X, Y, and Z directions)

upon wetting. The widths of the fragments and the spaces therebetween have been optimized according to the presently claimed invention.

In contrast, the absorbent article of Guidotti *et al.* is designed differently. For example, Guidotti *et al.* state that the "cylindrical bodies are comprised of a material which when wetted with body liquid will expand strongly in the Z direction, i.e., in a direction perpendicular to the XY plane." *See* col. 8, ll. 38-41; Figs. 2a and 2b. Guidotti *et al.* describe suitable materials for such purposes such as dry-forming flash dried cellulose fibers with a particular surface weight and density and cellulose fluff pulp mixes with superabsorbent. *See* col. 8, ll. 41-52. Guidotti *et al.* also suggest the use of "superabsorbent material enclosed in tubular casings that are oriented so that the superabsorbent material will swell and fill the casing in the Z direction of the diaper when absorbing liquid." *See* col. 8, ll. 62-65. In another embodiment, Guidotti et al. suggest the use of "longitudinally extending strips of material that can swell in the Z direction ... when wetted." *See* col. 11, ll. 35-37; Figs. 4a and 4b. It is thus evident that a main purpose of the cylindrical bodies and strips of Guidotti *et al.* is to absorb liquid via the restricted expansion in the Z direction of the diaper. *See also* col. 10, ll. 39-44, 62-66; col. 11, ll. 7-10, 57-62; Fig. 5.

As can be seen from the subject application, the polyacrylate foam fragments of the presently claimed invention expand in all three directions (X, Y, and Z) permitting high absorption without substantially changing the shape of the absorbent structure. Accordingly, in light of the desire of Guidotti *et al.* for expansion in the Z-direction (*i.e.*, without XY expansion), while maintaining the spaces between the cylindrical bodies and the strips for fluid transmission, one skilled in the art would not

be motivated to alter the absorbent article of Guidotti *et al.* with polyacrylate foam materials disclosed by Korpman. The foam materials of Korpman would expand in a manner inconsistent with the objectives of Guidotti. Accordingly, such modification would defeat a main purpose of Guidotti *et al.* Withdrawal of this rejection is therefore respectfully requested.

Claims 10 and 11 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Guidotti *et al.* in view of Korpman and further in view of U.S. Patent No. 4,500,315, hereinafter Peniak. The Examiner relies upon Peniak for its alleged teaching of a superabsorbent article having at least 50-70% by weight of superabsorbent material in a storage layer. However, Peniak does not overcome the deficiency of the rejection based on Guidotti *et al.* and Korpman as discussed above. Withdrawal of this rejection is respectfully requested.

Accordingly, in view of the foregoing remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections. In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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